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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,351	12/08/2004	Yair Shapira	06001.1070	6871
35856 7590 11/28/2008 SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC Two Ravinia Drive Suite 700 ATLANTA, GA 30346				
EXAMINER				
DUONG, DUC T				
ART UNIT		PAPER NUMBER		
2419				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/517,351

**Applicant(s)**

SHAPIRA ET AL.

**Examiner**

Duc T. Duong

**Art Unit**

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-17 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 5-8, 18-21 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 9-16, and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hussain et al (US Patent 7,376,125 B1).

Regarding to claims 1 and 11, Hussain discloses a method for manipulating the transportation of packets between a source network and IP based destination network 12 (fig. 1 col. 3 line 63-col. 4 line 3), the method comprising the steps of receiving 1210 a packet from a source (fig. 1-2; remote offices or corporate headquarters can be both source and destination), the received packet being intended for a destination (fig. 12 col. 15 lines 10-12); parsing 1230 the received packet to identify the received packet as a packet that can be manipulated (fig. 12 col. 15 lines 15-19); updating a cross-

reference table 52, the cross-reference table enabling the reconstruction of a connection to the destination (col. 6 lines 57-63); manipulating the received packet by sending the received packet to a manipulation module 20 (col. 11 line 22-33); reconstructing the connection to the destination for the manipulated packet using the cross-reference table (col. 11 lines 34-44); and transferring the manipulated packet to the destination, wherein the received packet and the manipulated packet are transferred over network based tunnels (col. 14 lines 20-67).

Regarding to claims 2 and 12, Hussain discloses modifying the received packet in such a way as to accelerate the communication (col. 5 lines 49-61).

Regarding to claims 3 and 14, Hussain discloses examining the destination and source addresses of the received packet (col. 11 lines 22-28).

Regarding to claims 4 and 15, Hussain discloses the network based tunnels may implemented using a protocol that belongs to a group of protocols comprising: GRE, IP over IP, IEEE 802.1Q (VLAN Tagging) and the step of transferring the manipulated packet comprises transferring the manipulated packet over such network based tunnel (col. 14 lines 20-67).

Regarding to claims 9 and 22, Hussain discloses the manipulation module 20 comprises a plurality of virtual manipulation servers 30 with each virtual manipulation server being dedicated to a particular destination, and the step of manipulating the received packet further comprises sending the received packet to an appropriate virtual manipulation server (fig. 4 col. 6 lines 48-56).

Regarding to claim 10, Hussain discloses the step 1260 of parsing the received packet to identify the received packet as a packet that cannot be manipulated and forwarding the received packet, as is, toward the destination (fig 12 col. 15 lines 37-38).

Regarding to claim 13, Hussain discloses the step of reconstructing the manipulated network based tunnel packet with the manipulated original received packet using the cross-reference table (col. 11 lines 22-44).

Regarding to claim 16, Hussain discloses the network based tunnel is a compulsory tunnel (col. 12 lines 45-49).

Regarding to claim 23, Hussain discloses a system 10 for manipulating the transportation of original packets transported between at least one remote client via an access network 12 and at least one IP based private data network 14, wherein the original packets are encapsulated in network based tunnel packets, and wherein the system is at the access network service provider's premises (fig. 1-2 col. 3 line 63-col. line 55), the system comprising an access gateway interface module 24 for receiving network based tunnel packets from, and sending network based tunnel packets toward the at least one remote client via an access gateway (fig. 4 col. 5 lines 35-40); a border gateway interface module 25 for receiving network based tunnel packets from, and sending network based tunnel packets toward the at least one IP based private data network via a border gateway (fig. 4 col. 5 lines 35-40); a manipulation module 20 for manipulating the original packets that are encapsulated in the network based tunnel packets (col. 11 lines 22-33); a manipulation equipment interface module 30, interfacing

to the access gateway interface module and the border gateway interface module and the manipulation module and that is operable to receive network based tunnel packets from, and send network based tunnel packets to the access gateway interface and the border gateway interface modules (fig. 4 col. 4 lines 49-51); the manipulation equipment interface being further operable to manipulate received network based tunnel packets by retrieving an original packet, sending the retrieved original packet to the manipulation module, receiving a manipulated packet that is the result of the manipulation of the original packet, reconstructing the network based tunnel packet by installing the manipulated original packet and forwarding the reconstructed network based tunnel packet to either the access gateway interface or the border gateway interface (col. 11 lines 33-44).

Regarding to claim 24, Hussain discloses the network based tunnel may be implemented using a protocol that belongs to a group of protocols comprising: GRE, IP over IP, IEEE 802.1Q (VLAN Tagging), see col. 14 lines 20-67.

Regarding to claim 25, Hussain discloses the manipulation module 20 further comprises a plurality of virtual manipulation servers 30, wherein each virtual manipulation server is dedicated to processing traffic for one IP based private data network (col. 6 lines 48-56).

Regarding to claim 26, Hussain discloses a plurality of virtual manipulation servers that are automatically initiated (col. 5 line 66-col. 6 line 3).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hussain in view of Beser et al (US Patent 6,496,867 B1).

Regarding to claim 17, Hussain discloses all the limitations with respect to claim 11, except for the communication between the remote client and the access network service provider is over cellular connection. However, Beser discloses a method for tunneling communication using cellular connection (col. 4 lines 55-62). Thus, it would have been obvious to a person of ordinary skill in the art to employ such connection as taught by Beser into Hussain's system for a broader range of communications.

#### ***Allowable Subject Matter***

5. Claims 5-8, 18-21, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is (571)272-3122. The examiner can normally be reached on M-F (8:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. T. D./  
Examiner, Art Unit 2419

/Wing F. Chan/  
Supervisory Patent Examiner, Art Unit 2419  
11/24/08